IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Habeas Corpus Petition No. 05 of 2005

Smt. Nasira Begum w/o Mohammad Yaseen,
R/o Gopal Mandir New Basti, Haldwani,
District Nainital ……. Petitioner

Vs.

1. State of Uttaranchal through
   Ministry of Home Uttaranchal,
   Dehradun.
2. Director General of Police, Uttaranchal
3. Superintendent of Police,
   Nainital, District Nainital.
4. Station House Officer, Kotwali,
   Kathgodam, District Nainital…….. Respondents.

……

Mr. Lalit Sharma, Advocate learned counsel for the petitioner.
Mr. D.K. Sharma, Government Advocate appearing on behalf the State of Uttaranchal.

Coram: Hon. Cyriac Joseph, C.J.
Hon. P.C. Verma, J.

Dated: 21.03.2005

PC:

1. The petitioner prays for a writ of habeas corpus commanding the respondents to produce her son Shaukin Warsi before this Court. According to the petitioner, the said Shaukin Warsi was taken into custody on 15.03.2005 by the Kathgodam Police from the house of his sister at Bareilly and thereafter he is illegally detained by the Kathgodam police.

2. A copy of this writ petition was served on the Government Advocate, and he has received instructions from the Kathgodam police. According to learned Government Advocate, the petitioner Shaukin Warsi is an accused in case crime no. 257 of 2005 of Police Station, Kathgodam registered U/Ss 147, 148 and 307 I. P. C. read with section 2/3 of the U.P. Gangsters Act. He was arrested by the police on 19.03.2005 and was produced before the Judicial Magistrate, Haldwani, who remanded him to judicial custody for two weeks. Thus the petitioner's son is stated to be in

judicial custody and not under illegal detention. Hence, this petition for a writ of habeas corpus is not maintainable. Therefore, it is dismissed.

(Cyriac Joseph, C.J.)

(P.C. Verma, J.)

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